

TOWN OF STOW
PLANNING BOARD

Minutes of the April 8, 2015 Planning Board Meeting

Planning Board Members Present: Ernie Dodd, Steve Quinn, Mark Jones

Voting Associate Member: Margaret Costello

Absent: Lori Clark

Steve Quinn called the meeting to order at 7:00 pm

Public Hearing

Bose Corporation Special Permit/Site Plan Approval Modification

Ernie Dodd motioned to waive the reading of the notice of Public Hearing. The motion was seconded by Mark Jones.

Voted (4-0) unanimously in favor (Len Golder, Mark Jones, Steve Quinn and Associate Member Margaret Costello)

Tim Goodnow, Project Manager of Bose Corporation and consultants Brian W. Lawlor and Chris Racine of SMMA | Symmes Maini & McKee Associates representing the Bose Corporation were Present.

Brian Lawlor and Chris Racine explained the primary purpose of the project is to repave the parking lot. They plan to pulverize the existing pavement and install new pavement. They propose some modification to existing pavement including paving a small loop and eliminating some to create a small patio. They also propose walking trails for employees. The proposed project will result in incremental improvement to the quality and quantity of groundwater. They have seen some ponding in the parking lot during major back to back storms that occurs maybe once a year. They monitored the existing stormwater system and found no evidence of degradation of the groundwater. They did an in depth investigation of the existing system to make sure it is operating as designed and are confident that they can continue to use the existing system. They looked into the pervious pavement and determined that it does not make sense to use it in areas of everyday use. They will use pervious pavement for the emergency access off of Old Bolton Road. They do plan to make improvements where there is no pre-treatment. They plan to clean the existing system to ensure it continues to operate efficiently. They hired Northeast Geotech, who evaluated the soils and determined the soils will provide for good discharge.

In terms of phasing, Brian Lawlor explained that they plan to pave the lot in phases so there will be approximately 600 parking spaces available at all times. They will provide for some temporary head-in parking around the loop.

Brian Lawlor said they reviewed the peer review letter this afternoon and in general can address the major comments in the letter, however because it is an existing site, they will not be able to bring the entire site up to code.

Brian Lawlor explained they will also be filing a Special Permit Application for site lighting.

Public Comment

Cliff Martin, resident of Arbor Glen said he is interested in a connector loop to the existing trails at Arbor Glen. He noted that Bose employees use the trails at Arbor Glen, which are open to the public. He understands that Bose may have security concerns but said this is a good opportunity to improve the trail loop.

Karen Kelleher, Town Planner asked if they received the letter from the Stow Conservation Commission.

Tim Goodnow, Bose Corporation said they did receive the letter and researched the information in the letter. He stated that Bose cannot connect the trails in a way that would encourage public access for liability, safety, and vendor proprietary reasons. Bose will continue to work with the Town to coordinate special events such as the Turkey Run and SpringFest.

Ernie Dodd stated that, according to state statute, Bose would not be liable as long as easements are in place.

Ellen Randolph, 12 Baldwin Drive asked how construction vehicles will enter and exit the property. Brian said they would use the main entrance. He also noted that the reason they are pulverizing the existing pavement is so that material will be left on site to be re-used and thereby reduce the number of trips for construction vehicles. Their goal is to start construction in June.

Ellen Randolph asked if there are any plans to keep children that play in the area safe. She noted that the children must cross the road for the school bus. She also noted that there is a blind spot at the corner. Tim Goodnow said they could be sure there is a flag man. When asked if she feels a flag man would be sufficient to address her concern, she noted that she would like to see a speed bump as Bose Employee traffic goes 40-45 miles per hour. Tim Goodnow said he will notify security and operations and ask that they re-notify employees about the speed limit. It was also suggested that they place signs, and cones in the crosswalks.

Graeme Robinson, 20 Cortland Drive asked if there will be a limit on the hours of construction. Ernie Dodd noted that the Planning Board typically conditions hours of operation to be limited to 7:00 am to 5:00 pm Monday through Friday (excluding holidays) and 7:00 am to 12:00 pm on Saturdays (no work on Sundays). The Board also gives the Building Inspector authority to waive the hours in certain circumstances.

Ernie Dodd said he recalls the groundwater was high in the area. Brian Lawlor said the groundwater is approximately 9.5' feet to 10' feet below surface.

Ernie Dodd asked if Bose has a maintenance plan for the drainage system. Brian Lawler responded that they do have a maintenance plan in effect and they follow it closely. Ernie Dodd noted that Stow has strict standards for lighting and asked that they consider things like motion detectors so that the parking lot is not lit when not necessary. Karen Kelleher noted that she provided a copy of the Board's Decision for the Pompositticut School reuse plan to give them an idea of what the Board will be looking for.

Len Golder asked how close they can come to meeting stormwater standards. Brian Lawlor said they won't be very far away from the performance standards. They meet most of the elements and are getting the required TSS.

Len Golder questioned the need for the existing traffic light located at the corner of Great Road and Bose. Karen Kelleher noted that one of the reasons for the traffic light is that there are plans for future build out of the site. Ernie Dodd noted that the traffic light is owned by the Town and that it also benefits residents of the Villages at Stow.

It was noted that the public hearing should be continued to allow time for the Applicant to respond to the peer review letter and to address questions that came up this evening. Karen Kelleher noted that she discussed the possibility of the public hearing continuance to be coincident with the Hearing for the Lighting Special Permit. If the Lighting Special Permit application is filed next week there will be time to notice the hearing for May 6.

Ernie Dodd moved to continue the public hearing for the Bose Corporation Special Permit/Site Plan Approval Modification to May 6, 2015 at 7:30 pm. The motion was seconded by Mark Jones.

VOTED: (5-0) Unanimously in favor. (Ernie Dodd, Len Golder, Mark Jones, Steve Quinn and Associate Member Margaret Costello).

Public Hearing 271 Great Road Special Permit

Ernie Dodd motioned to waive the reading of the notice of Public Hearing. The motion was seconded by Mark Jones.

Voted (4-0) unanimously in favor (Len Golder, Mark Jones, Steve Quinn and Associate Member Margaret Costello)

Present - Shirley Burchfield, Weston Fisher, John and Amy Abeyda and Greg Roy – Project Engineer

Shirley Burchfield gave an overview of the proposed plan. Phillips Heritage LLC has the purchase and sales agreement with the Hydes on the property. The existing building constructed in 1834 is currently being used as permitted as a 6 bedroom bed and breakfast. They propose to change the use while keeping the historic character of the house. They plan for a café on the first floor, a 3-bedroom residence on the second floor and a gift store in the barn. They will retain the historic character of the house and the barn. There will be a small addition to the house with a patio outside the addition, and windows to bring light into the barn. They anticipate the hours of operation to be 7:00 am to 9:00 pm. They hope to create a unique and inviting café that will be limited to 42 seats. They hope to create a venue for adults and families. They will use low impact lighting with motion sensors. They would like have a designated area that displays Stow's history. They expect this will also provide for a gathering space for the community and draw customers in Stow and visitors in route to local attractions such as the orchards.

Greg Roy said they are designing a new Title 5 septic system under the proposed parking area. The plans are currently under review by the Health Agent. The system is sized for a 42 seat cafe and 1500 sq. ft. retail space. They are also proposing a public water supply, which will probably consist of two wells in order to meet the well head protection area. They currently have DEP approval to drill a test well.

They propose a bump out at the back of the house to be associated with the café and access to a patio area. There is also a bump out the east side the barn. They propose to widen the existing Great Road entrance to accommodate 2-way in and out traffic. There will be room for vehicles to queue on the site. There will also be vehicle access to the back of the barn for residents and employees.

The site is sand and gravel and drains very well. They propose to infiltrate runoff. He received the peer review letter this afternoon and is confident that he can resolve the drainage issues with Places Associates.

Public Comment

Karen Fleming, 151 Crescent Street is the Trustee for the property that directly abuts the site. Her mother is living at the property and is concerned that the proposed plan will have a severe negative impact on her property. She will have a direct view of the proposed patio. They are also concerned about groundwater, lighting, and noise. Her mother has been a resident there for 45 years and doesn't think it is fair to have this negative impact on the property. Her mother is 100% not in favor of the proposal and she agrees.

Len Golder asked if it will help if they installed a fence to block the view. Karen Fleming said it would not help because their property is above the site and therefore a fence would not block the lights, noise etc. Len Golder said the town has a bylaw that prohibits light trespass. Karen Fleming said even if the light doesn't trespass off the property they will see it because they are up on a hill. She is concerned they are changing the use from very low use with a more intense one in terms of traffic and noise.

Doug Hyde asked how far away is the 151 property from the site. Greg Roy said it is 250' away and there is approximately 30 feet of woods between the properties. Doug Hyde noted that they do not propose to remove any vegetation.

Ernie Dodd suggested that the Board hold a site visit. Doug Hyde gave permission for the Board to visit the site. Karen Fleming also gave the Board permission to visit her property.

Len Golder questioned the number of proposed parking spaces. Greg Roy said there are a total of 22 spaces, including 6 in front of the building and 3 in the back. The parking lot is proposed to be paved. Wes Fisher said they explored using alternative pervious pavers but found that it would be a maintenance problem with snowplowing.

Wes Fisher also noted that there will not be many seats on the patio because of its size.

John Abeyda noted that the patio will be partially screened by the addition.

Greg Roy said they have not detailed the nature and location lights or the type of fixtures.

Shirley Burchfield said, given the size of the structure they would not expect more lighting for the patio than for a typical backyard patio for a home. She anticipates low level lights for ambiance purposes.

The main entrance to the café will be by the door on the porch.

Greg Roy said the limiting factor for the use is the nutrient loading requirements because of the size of the site.

Shirley Burchfield noted that Wes Fisher had a conversation with the abutter to the east of the property and they are in support of their proposal.

Dorothy Spaulding of the Historical Commission said the Commission is in support of the proposal. They like that they will not change the character of the original Stowaway Inn. It was noted that it is anticipated that they will need some screening as the most visible portion would be east of the parking lot. Wes Fisher said if a fence is needed they are willing to install one, but they prefer vegetation.

Amy Abeyda said they are not looking to light up the back side of the barn. They are adding windows into order to bring light in the store. She also noted that the store will not be open in the late hours. The café will be open until 9:00. She also noted that she and John Abeyda will be living there.

Ernie Dodd moved to continue the public hearing for the 271 Great Road Special Permit to May 6, 2015 at 8:15 pm. The motion was seconded by Mark Jones.

VOTED: (5-0) Unanimously in favor. (Ernie Dodd, Len Golder, Mark Jones, Steve Quinn and Associate Member Margaret Costello).

Staff will contact members to determine their availability for a site visit.

Public Hearing - Zoning Bylaw Amendments

Ernie Dodd motioned to waive the reading of the notice of Public Hearing. The motion was seconded by Mark Jones.

Voted (4-0) unanimously in favor (Len Golder, Mark Jones, Steve Quinn and Associate Member Margaret Costello)

Zoning Bylaw - Section 6.6 (Fences)

Members explained that this article is meant to update Section 6.6 (Fences) of the bylaw to require that all fences shall be installed so that the finished side faces the street or abutting properties, in keeping with what is typically common practice.

There was no public input.

Zoning Bylaw - Section 10 (Delete Temporary Moratorium on MEDICAL MARIJUANA TREATMENT CENTERS)

Members explained that this article is meant to delete Section 10 (Temporary Moratorium on MEDICAL MARIJUANA TREATMENT CENTERS) of the bylaw. The Temporary Moratorium, adopted by vote of the October, 2013 Special Town Meeting was effective through November 30, 2014. The intent of the moratorium was to allow sufficient time for the Town to undertake a planning process to address the potential effects of MEDICAL MARIJUANA TREATMENT CENTERS and other land uses and structures related to the use of marijuana for medical purposes, and to adopt suitable Bylaws and Regulations related to Medical Marijuana Treatment Centers, as required by Chapter 369 of the Acts of 2012.

There was no public input

Zoning Bylaw amendment (Petition to Amend Bylaw Sections 1.3 and add new section 3.1 - caretaker's house)

The petitioners were not present at the meeting.

Members explained that they understand that the property owner's intent is to construct a caretaker's house - single family residence to be used in conjunction with the primary use of a Country Club at Wedgewood Pines Country Club.

Steve Quinn said he doesn't think the Board should support a bylaw amendment that is not in keeping with Special Permit Decision. The property was originally zoned residential and the owner chose to rezone the property to Recreation-Conservation so that they could construct the golf course and country club.

Ernie Dodd said he agrees that the proposal would change the intent of the Special Permit and the Zoning Bylaw. He noted that the Town specifically voted to remove caretaker's residence as a permitted use. He also noted that they could achieve their intent by purchasing a house in the neighborhood.

Mark Jones said there have been many homes for sale in neighborhood over the past several years.

There was no public input.

Zoning Bylaw amendment (Petition to rezone 1 ½ acres from Recreation-Conservation to Residential)

Karen Kelleher explained that this petition was signed by the same residents as the petition for a caretaker's cottage. Members noted the same concern as the petition for a caretaker's house. Karen Kelleher noted that the Selectmen will be discussing the petition at their next meeting to determine if the petition should be accepted because they were not submitted 90 days in advance of the Town Meeting.

Mark Jones motioned to send the Board of Selectmen a letter urging them to hold to the 90-day requirement and not include the petition articles on the warrant. There was no second to the motion. Member's noted that the decision should be left up to the Selectmen.

Mark Jones moved recommend against adoption of the petition rezone 1 ½ acre parcel of land as described in the petition. The motion was seconded by Ernie Dodd.

Voted (4-0) unanimously in favor (Len Golder, Mark Jones, Steve Quinn and Associate Member Margaret Costello)

Ernie Dodd moved recommend against adoption of the petition for zoning bylaw amendment to Sections 1.3 and 3.1 of the Zoning Bylaw. The motion was seconded by Mark Jones.

Voted (4-0) unanimously in favor (Len Golder, Mark Jones and Steve Quinn)

Mark Jones moved recommend adoption of the proposed amendment to Section 6.6 (Fences) as drafted. The motion was seconded by Ernie Dodd.

Voted (4-0) unanimously in favor (Len Golder, Mark Jones and Steve Quinn)

Ernie Dodd moved recommend adoption of the proposed amendment to Section 10 (Delete Temporary Moratorium on MEDICAL MARIJUANA TREATMENT CENTERS) as drafted. The motion was seconded by Mark Jones.

Voted (4-0) unanimously in favor (Len Golder, Mark Jones and Steve Quinn)

Meeting Schedule

The Board agreed to adjust the May meeting schedule as follows:

May 6 - Public Hearing Continuances (Bose and 271 Great Road) - Lori Clark not available but cannot vote on the special permit decisions

May 13 - No meeting (Len not Available)

May 20 - No agenda set

The meeting adjourned at 9:45 pm

Respectfully Submitted,

Karen Kelleher
Town Planner